

P20481.A15



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Miyuki SASAKI et al. Group Art Unit: 2166  
Appl. No. : 09/764,991 Examiner: S. CHANNAVAJJALA  
Filed : January 23, 2001 Confirmation No.: 4070  
For : DATA STORAGE MEDIUM, DATA RECORDING AND  
REPRODUCING METHOD, AND DATA RECORDING  
AND REPRODUCING APPARATUS

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria VA 22314

Sir:

In response to the Final Official Action of October 17, 2005 and the Advisory Action of January 31, 2006, and concurrently with the filing of a Notice of Appeal and a Request for Extension of Time, Applicants respectfully request a pre-appeal brief panel to review and withdraw the outstanding rejection. Further, Applicants request an indication of the allowability of all claims pending in the present application in view of the herein contained remarks.

**Remarks** begin on page 2 of this paper.

REMARKS

Applicants respectfully traverse the Examiner's rejection of claims 1, 2, 6, 7, 11, 12, 16, 17, 21 and 22 under 35 U.S.C. § 102(e) as being anticipated by Kikuchi et al. (U.S. Patent No. 5,870,523), the rejection of claims 3, 4, 8, 9, 13, 14, 18, 19, 23, 24 and 28-32 under 35 U.S.C. § 102(e) as being anticipated by Nakajima et al. (U.S. Patent No. 5,832,088), and the rejection of claims 5, 10, 15, 20 and 25-27 under 35 U.S.C. § 102(a) as being anticipated by Ohmori (U.S. Patent No. 5,687,397). Applicants submit the following, as examples of clear legal and factual deficiencies in the outstanding rejection:

**A. Kikuchi does not disclose or suggest a data storage medium for recording and reproducing a file which stores data content that includes root directory file management information including start address information for an unrecorded area existing in a volume space, where the root directory file management information is configured to be updated when a new file is recorded on the data storage medium by storing new root directory file management information in the unrecorded area for which start address information is recorded (as recited in independent claims 1, 6, 11, 16 and 21).**

Examiner's position: The Examiner appears to associate Kikuchi's recorded area 73 with Applicants' claimed unrecorded area (although it is not entirely clear what the Examiner's position is). See page 5, lines 9-11. The Examiner asserts that

col. 13, lines 55-67 of Kikuchi discloses that new root directory file management information is stored in Kikuchi's unrecorded area. See page 5, lines 13-14.

Applicants' position: Kikuchi does not disclose or suggest that the recorded area 73 stores new root directory file management information when a new file is recorded on a data storage medium, to update root directory file management information. The portion of Kikuchi which the Examiner asserts to disclose this feature, col. 13, lines 55-67 does not even mention the recorded area 73.

**B. Nakajima does not disclose or suggest a data storage medium for recording and reproducing a file which stores data contents including root directory file management information, where the root directory file management information includes invalid extent management information for managing an invalid data recording area (as recited in independent claims 3, 8, 13, 18 and 23.**

Examiner's position: The Examiner asserts that Nakajima's invalid data (also referred to as "dummy data" in Nakajima's specification) corresponds to Applicants' claimed invalid data. In page 6, line 16 to page 7, line 2, the Examiner asserts that Nakajima discloses, in col. 6, lines 62-65 and col. 17, lines 54-61, root directory file management information which includes invalid extent management information that manages an invalid data recording area.

Applicants' position: Nakajima does not disclose that the "effective data management file" referred to in col. 6, lines 62-65 manages invalid data. Even if the effective management file did manage invalid data, the Examiner does not

cite any portion of Nakajima which discloses that the effective management file forms part of root directory file management information.

**C. Ohmori fails to disclose or suggest a data storage medium that stores first address information, corresponding to an area in which main and reserve chaining information are recorded at a beginning of a volume space, and second address information, corresponding to an area in which the main and reserve chaining information are update recorded (as recited in claims 5, 10, 15, 20 and 25.**

Examiner's position: The Examiner appears to associate Ohmori's table of contents for user audio data (A-UTOC) and table of contents for user non-audio data (D-UTOC) with Applicants' claimed main and reserve chaining information. See page 8 of the Final Office Action. The Examiner asserts that col. 9, lines 60-64; col. 10, lines 13-18; col. 12, lines 11-18; and col. 14, lines 12-14 of Ohmori disclose second address information, corresponding to an area in which main chaining information and reserve chaining information is update recorded.

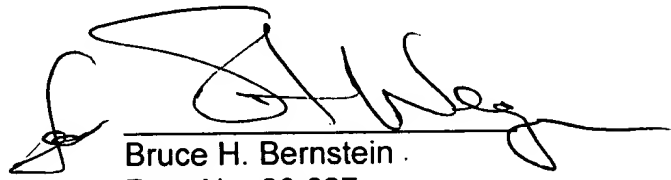
Applicants' position: The portion of Ohmori cited by the Examiner, noted above, does not disclose a second address which corresponds to an area in which Ohmori's A-UTOC or D-UTOC data is update recorded, nor does any other portion of Ohmori disclose this feature.

SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect.

Should the Examiner have any questions or comments regarding the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Miyuki SASAKI et al.



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